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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,224	12/20/2001	Susanne Marie Crockett	8285/461	9046

7590 02/28/2008
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EXAMINER

LE, KAREN L

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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02/28/2008

PAPER

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Technology Center 2600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/027,224
Filing Date: December 20, 2001
Appellant(s): CROCKETT ET AL.

Susanne Marie Crockett
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/06/2007 appealing from the Office action mailed 4/23/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct in part. It is noted that Appellant addresses and argues the rejections of **claims 1, 10 and 20**. Brief statements are provided for Claims 11 and 21 on page 6 of the brief

basically referring to "*at least the reasons discussed above with regard to claim 1*". Also brief blanket statements are provided for all the remaining dependent claims. Thus, a more accurate statement would be:

- 1- Rejection of **claim 1** (and thus claims 11 and 21) over Rubin in View of Gilbert.
- 2- Rejection of **claims 10 and 20** over Rubin in view of Gilbert and Kim.
- 3- Rejection of **claims 1** (and thus 11 and 21), **10 and 20** over Dans in view of Gilbert.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,795,530	Gilbert et al.	9-2004
5,832,061	Rubin	11-1998
6,195,417	Dans	2-2001
6,584,188	Kim	6-2003

(9) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. Claims 1, 4-11,14-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin (U.S. 5,832,061) in view of Gilbert et al. (U. S. 6,795,530).

Regarding claims 1, 11 and 21, Rubin teaches a method for providing an announcement to a calling party when the calling party calls a disconnected telephone number of a called party (Col. 1, lines 50-55 and 60-61, Col. 2 lines 1-3 and lines 14-18). Specifically, Rubin states that "the system can automatically notify callers of a **party's new number**"), the method comprising:

determining a telephone number of a calling party that attempts to call a disconnected telephone number of the called party (Col. 3, lines 31-36);

Rubin does not teach the claimed limitation of determining whether the calling party is authorized to receive a first announcement and providing the first announcement to the calling party and providing an alternate announcement if the calling party is not authorized by the called party to receive the first announcement. That is, Rubin provides one announcement ("first announcement") to all callers to notify all callers of the called party's new telephone number, while the claimed invention provides an announcement selectively (if calling party is authorized or not authorized).

However, Gilbert teaches determining, in accordance with at least a portion of the telephone number of the calling party, whether the calling party is authorized (Fig. 3, items 315, 320 and 325) to receive a first announcement and providing the first announcement to the calling party if the calling party is authorized by the called party to receive the first announcement (Col. 2, lines 13-21) and providing an alternate announcement if the calling party is not authorized by the called party to receive the first announcement (Col. 2, lines 13-21). Gilbert teaches when a caller calls the subscriber's

telephone number, the system checks the calling number. If the calling number is located on the subscriber's personal list, the service plays the personal greeting to the caller. If the calling number is not located on the list, the system plays the subscriber's default greeting. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Gilbert's feature of playing selective announcements based on the calling party into Rubin's system in order to screen callers that are authorized to receive the forwarding/new telephone number of the called party and to provide a different announcement if the calling party is not authorized to receive the first announcement. The advantages of playing customized announcements to different callers are extremely obvious and very useful in many different telephone environments including the one taught by Rubin. In the combination, an announcement containing the new telephone number would be played to authorized callers such as family members and friends and a default generic announcement such as the old and known message "the number you called is not in service, no further information is available" would be played to unauthorized callers such as a telemarketer, an ex-husband and the like. It is believed that the claimed invention is basically to satisfy an existing natural need/desire of people (i.e., to share their new telephone number with only selected callers) using existing and known techniques such as the one taught by Gilbert (i.e., to play customized announcements for different callers).

The rejection of claims 4-9, 14-19, and 23-24 is hereby incorporated by reference from the previous office action. Note that the Appeal Brief does not separately address these claims.

2. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin (U. S. 5,832,061) in view of Gilbert et al. (U. S. 6,795,530), and further in view of Kim (U. S. 6,584,188).

Rubin does not explicitly teach "*providing a call log of the disconnected telephone number to the called party*". However, Kim teaches providing a call log to the called party (Col. 7, lines 38-43). Kim teaches the use of a database that includes a record log comprising an incoming call portion and an outgoing call portion. The incoming call record log includes CID information, date and time of incoming call. The limitation of claims 10 and 20 is extremely broad and may read on many old and well known scenarios. For example, "a call log of the disconnected telephone number" may simply read on the last bill or partial bill that the customer (called party) of the disconnected telephone will receive.

Again, as stated in the previous office actions, the use of "call logs" is old and well known in telephone systems. The advantages of "call logs" are well known and include keeping the customer informed, and may also be used for billing as discussed in the example above.

3. Claims 1, 4-11, 14-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dans (U.S. 6,195,417) in view of Gilbert et al. (U. S. 6,795,530).

Regarding claims 1, 11 and 21, Dans teaches the old and well known "intercept messages" which are played when a caller dials a disconnected telephone number. These well known messages have been widely used by telephone companies for many years. These old and well known messages/announcements, which are also explicitly disclosed by Dans are:

"The number you are dialing ... has been changed. The new number is ..."

or

"The number you dialed has been disconnected, no further information is available" (Col. 14, Lines 44-45 and 66-67)

Generally, the first announcement is played when the called party wishes to provide his/her new telephone number to callers, and the second announcement is played when the called party does not wish to provide his/her new telephone number to callers.

That is, in Dans, a selected announcement (first or second) is played to all callers. The claimed invention plays announcements selectively based on callers.

Gilbert teaches providing different messages for different callers. That is, Gilbert teaches playing announcements selectively based on callers. Gilbert teaches when a caller calls the subscriber's telephone number, the system checks the calling number. If the calling number is located on the subscriber's personal list (authorized caller), the

service plays the personal greeting to the caller. If the calling number is not located on the list (unauthorized caller), the system plays the subscriber's default greeting. The advantages of playing customized announcements to different callers are extremely obvious and very useful in many different telephone environments including the one taught by Rubin.

In the combination, Dans' first announcement above, which contains the new telephone, would be played to authorized callers such as family members and friends, and Dans' second announcement above would be played to unauthorized callers such as a telemarketer, an ex-husband and the like. It is believed that the claimed invention is basically to satisfy an existing natural need/desire of people (i.e., to share their new telephone number with only selected callers) using existing and known techniques such as the one taught by Gilbert (i.e., to play customized announcements for different callers).

The rejection of claims 4-9, 14-19, and 23-24 is hereby incorporated by reference from the previous office action. Note that the Appeal Brief does not separately address these claims.

Regarding claims 10 and 20, Dans does not explicitly teach "*providing a call log of the disconnected telephone number to the called party*", however, Dans teaches providing a "call log" of calls inducing calls that receive a busy signal to the called party (Col. 12, lines 8-11 and 27-29). Further, the claimed limitation is extremely broad and may read on many old and well known scenarios. For example, "a call log of the

disconnected telephone number” may simply read on the last bill or partial bill that the customer (called party) of the disconnected telephone will receive.

Again, as stated in the previous office actions, the use of “call logs” is old and well known in telephone systems. The advantages of “call logs” are well known and include keeping the customer informed even about “busy” calls as taught by Dans, and may also be used for billing as discussed in the bill or partial bill example above.

(10) Response to Argument

Starting at the last line of page 4 of the Brief, Appellant alleges that “Nor does Rubin disclose or suggest that the first announcement is a forwarding number”. This is simply incorrect because Rubin teaches that the announcement contains the “party’s new number” which is the “forwarding number”, see Rubin Col. 1, lines 59-63.

Parts of Appellant’s statements appear to argue the references individually as if the rejections were based on one reference under 35 USC 102. Parts of those arguments are consistent with examiner’s position. For example, Appellant argues (page 5, end of 1st PP) that “Gilbert does not disclose or suggest providing a forwarding number to authorized callers” [Emphasis added]. Examiner agrees, but this is not an anticipation rejection.

In the 2nd PP on page 5, Appellant argues that “[t]he verbal messages [In Dans] are stored for recognition purposes, not for supplying messages to a user”. Examiner

respectfully disagrees with this mischaracterization of Dans. In Dans, the messages are absolutely supplied to user / callers. These messages are played to callers:

“The number you are dialing ... has been changed. The new number is ...” or

“The number you dialed has been disconnected, no further information is available” (Col. 14, Lines 38-45 and 66-67).

Thus, these messages are generated “in response to the dialing of a changed or disconnected telephone number” (Col. 14, lines 38-41).

Also, on the same paragraph on page 5, Appellant discusses irrelevant portions of Dans such as those related to verifying accounts and checking transactions in a bank information system.

Regarding part D, page 6 of the Appeal Brief, the above rejection clearly discusses the motivation to combine. The benefits of using “customized message” are discussed in Gilbert and are also well known in the art. In the combination, one would not, for example, give the new / forwarding number to an ex-husband or to a former talkative neighbor. In response to applicant’s argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one

of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Regarding Appellant's statement (Brief, page 7) that the references do not teach that "a log is kept for a disconnected number". The limitation in claims 10 and 20 "a call log of the disconnected telephone number to be provided to the called party" is extremely broad and reads on the teachings of the reference that teach the use of "call log" as discussed in the rejections above. The broad limitation may have many very reasonable interpretations that read on well known and old features as discussed above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Karen Le

January 30, 2008

Conferees:

Ahmad Matar

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Application/Control Number:
10/027,224
Art Unit: 2614

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Supervisory Patent Examiner

Fan Tsang

Supervisory Patent Examiner

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Karen Le

Patent Examiner

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